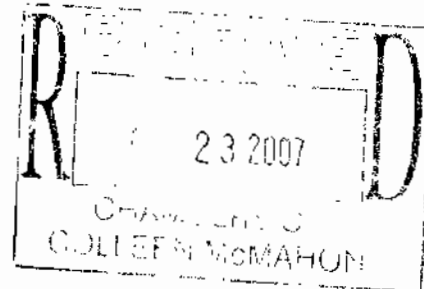


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October 23, 2007

TELEFAX (212)805-6326
Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED**JOINT APPLICATION**

10/24/07
granted
u

Re: Mitsui Sumitomo Insurance Co. Ltd.
v. Evergreen Marine Corp. et ano
07 Civ. 3874(CM)
Our Ref.: 7MSI-1491

Dear Judge McMahon:

I represent the plaintiff in this action which involves a claim for damage to an intermodal cargo shipment as a result of a derailment. I write to respectfully inform the Court that while progress has been made in narrowing certain issues, an extension of the case management deadlines is needed due to a discovery dispute which has arisen.

Defendant Union Pacific Railroad Company ("UP") has assumed the defense of the co-defendant Evergreen Marine Corp. ("Evergreen"). UP has admitted liability to plaintiff. Counsel are attempting to resolve disputes relating to defendants' document production and admission responses. In addition, Evergreen's document production response is overdue. If the disputes cannot be resolved this week, counsel intend to seek the assistance of the assigned magistrate judge.

Counsel join in respectfully requesting a forty five-day extension of the remaining case-management deadlines, including the October 26, 2007 deadline for plaintiff's expert's report. For the Court's convenience annexed is a copy of the Case Management Plan presently in effect and a proposed Revised Case Management Plan. This is the first request for an extension of the case management plan and all parties join in this application. The Court's attention is appreciated.

Respectfully,

David L. Mazaroli

encl.

cc: Barry N. Gutterman, Esq. (via e-mail: BNGASSC@aol.com- w/encl.)